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Attorneys for Plaintiff  
Denise L. Miller

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DENISE L. MILLER,	)	Case No.: 2:22-cv-01601-BNW
	)	
Plaintiff,	)	STIPULATION AND PROPOSED
	)	ORDER FOR THE AWARD AND
vs.	)	PAYMENT OF ATTORNEY FEES
	)	AND EXPENSES PURSUANT TO
KILOLO KIJAKAZI,	)	THE EQUAL ACCESS TO JUSTICE
Acting Commissioner of Social	)	ACT, 28 U.S.C. § 2412(d) AND
Security,	)	COSTS PURSUANT TO 28 U.S.C. §
	)	1920
Defendant.	)	

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TO THE HONORABLE BRENDA WEKSLER, MAGISTRATE JUDGE  
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their  
undersigned counsel, subject to the approval of the Court, that Denise L. Miller be  
awarded attorney fees and expenses in the amount of FIFTEEN HUNDRED

1 TWENTY-EIGHT dollars AND FORTY-SEVEN cents (\$1,528.47) under the  
2 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount  
3 of FOUR HUNDRED TWO dollars (\$402.00) under 28 U.S.C. § 1920. This  
4 amount represents compensation for all legal services rendered on behalf of  
5 Plaintiff by counsel in connection with this civil action, in accordance with 28  
6 U.S.C. §§ 1920; 2412(d).

7 After the Court issues an order for EAJA fees to Denise L. Miller, the  
8 government will consider the matter of Denise L. Miller's assignment of EAJA fees  
9 to Marc Kalagian. The retainer agreement containing the assignment is attached as  
10 exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to  
11 honor the assignment will depend on whether the fees are subject to any offset  
12 allowed under the United States Department of the Treasury's Offset Program.  
13 After the order for EAJA fees is entered, the government will determine whether  
14 they are subject to any offset.

15 Fees shall be made payable to Denise L. Miller, but if the Department of the  
16 Treasury determines that Denise L. Miller does not owe a federal debt, then the  
17 government shall cause the payment of fees, expenses and costs to be made  
18 directly to Law Offices of Lawrence D. Rohlfig, Inc., CPC, pursuant to the  
19 assignment executed by Denise L. Miller.<sup>1</sup> Any payments made shall be delivered  
20 to Marc Kalagian.

21 This stipulation constitutes a compromise settlement of Denise L. Miller's  
22 request for EAJA attorney fees, and does not constitute an admission of liability on  
23 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount  
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25 <sup>1</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien  
26 under federal law against the recovery of EAJA fees that survives the Treasury  
Offset Program.

1 shall constitute a complete release from, and bar to, any and all claims that Denise  
2 L. Miller and/or Marc Kalagian including Law Offices of Lawrence D. Rohlfing,  
3 Inc., CPC may have relating to EAJA attorney fees in connection with this action.

4 This award is without prejudice to the rights of Marc Kalagian and/or the  
5 Law Offices of Lawrence D. Rohlfing, Inc., CPC to seek Social Security Act  
6 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of  
7 the EAJA.

8 DATE: April 3, 2023 Respectfully submitted,

9 LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC,

10 */s/ Marc V. Kalagian*

11 BY: \_\_\_\_\_

12 Marc V. Kalagian  
13 Attorney for plaintiff  
14 DENISE L. MILLER

15 DATED: April 3, 2023

16 JASON M. FRIERSON  
17 United States Attorney

18 */s/ GERALYN A. GULSETH*

19 GERALYN A. GULSETH  
20 Special Assistant United States Attorney  
21 Attorneys for Defendant  
22 KILOLO KIJAKAZI, Acting Commissioner of  
23 Social Security (Per e-mail authorization)

24 **ORDER**

25 Approved and so ordered:

26 DATE: April 5, 2023

*Brenda Weksler*  
\_\_\_\_\_  
THE HONORABLE BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

On this day of April 4, 2023, I served the foregoing document described as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ms. Denise L. Miller  
3935 Moon Vista Drive  
Sparks, NV 89436

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Santa Fe Springs, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

Marc V. Kalagian  
TYPE OR PRINT NAME

*/s/ Marc V. Kalagian*  
SIGNATURE

**CERTIFICATE OF SERVICE  
FOR CASE NUMBER 2:22-CV-01601-BNW**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on April 4, 2023.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

*/s/ Marc V. Kalagian*

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Marc V. Kalagian  
Attorneys for Plaintiff